

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the independent claims to more particularly point out that the invention is directed toward encoding a video sequence and is claimed as encoding a frame as a different type when a scene change is detected. Applicant has also amended the claims to correct various typographical errors. No new matter has been added as a result of these amendments.

### **Objections**

#### ***Objections to the Claims***

The Examiner objected to claims 18 and 21 as containing informalities. Applicant has corrected the informalities and respectfully requests the withdrawal of the objection.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 102***

##### **Claims 1-3, 14-17 and 26**

Claims 1-3, 14-17 and 26 stand rejected under 35 U.S.C. §102(e) over U.S. Patent 6,735,253 to Chang et al. Applicant does not admit that Chang is prior art and reserves the right to challenge its designation as such. Nonetheless, Applicant respectfully submits that Chang does not teach or suggest each and every limitation of the invention as claimed in claims 1-3, 14-17 and 26.

Chang discloses the detection of scene changes in a video that has been encoded into a digital bitstream, such as set forth in the MPEG-2 standard, without having to convert the bitstream back into the original video. MPEG2 encoded video consists of I, B and P frames. Both B and P frames are constructed by applying motion vector information to other frames in the video. In Chang, the digital bitstream is parsed into blocks containing DCT coefficients that result from the encoding of the video. Ratios of the motion vector information associated with the blocks are compared with thresholds to determine if a scene change has occurred within the corresponding frames. When a scene change is detected, the encoded digital bitstream is broken into shots, which may then be

indexed. Chang also discloses the editing of an encoded digital bitstream without having to convert the bitstream back into the original video. Chang describes changing a P or B frame in the encoded digital bit stream to an I frame when certain effects are to be applied to the P/B frame during the editing process.

Applicant's invention as claimed in independent claims 1, 17 and 26 is directed to the encoding of a video sequence, not the manipulation of an already encoded video sequence as disclosed by Chang. Furthermore, Applicant's amended independent claims 1, 17 and 26 contain the limitation that the detection of a scene change in a series of three video frames in the original (unencoded) video sequence causes the first frame in the series to be encoded as a different type of frame. Chang does not disclose the changing of a P or B frame into an I frame upon the detection of a scene change as claimed, but discloses such a change only when an effect is to be applied to a P/B frame.

Furthermore, with regard to claim 15, Applicant respectfully points out to the Examiner that claim 15 contains the further limitation of converting an I frame into a P frame, which is neither taught nor suggested by Chang.

Therefore, Applicant respectfully submits that the invention claimed in claims 1-3, 14-17 and 26 is not anticipated by Chang and respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 102(e) over Chang.

### ***Rejections under 35 U.S.C. § 103***

#### **Claims 4, 9, 18, 21 and 27**

Claims 4, 9, 18, 21 and 27 stand rejected under 35 U.S.C. § 103(a) over the combination of Chang and U.S. Patent 6,108,039 to Linzer. Applicant respectfully submits that the combination does not teach or suggest each and every limitation of the invention claimed in claims 4, 9, 18, 21 and 27.

Claims 4, 9, 18, 21 and 27 depend from one of independent claims 1, 17 and 26. Because Chang does not teach or suggest each and every limitation in claims 1, 17 and 26, Linzer must disclose the claimed limitations that are not disclosed by Chang to have a proper *prima facie* case of obviousness. However, Linzer discloses the generation of pictures having different resolutions by estimating motion vectors to be associated with a

macroblock of video and scaling the motion vectors according to the desired resolution, Linzer does not teach or suggest encoding a frame as a different type if a scene change is detected. Because the combination of Chang and Linzer does not disclose each and every limitation of independent claims 1, 17 and 26, dependent claims 4, 9, 18, 21 and 27 cannot be rendered obvious over the combination.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 4, 9, 18, 21 and 27 under 35 U.S.C. § 103(a) over the combination of Chang and Linzer.

#### **Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 6, 8, 11, 13, 20, 23, 25 and 29 contain allowable subject matter if rewritten to include all the limitations of the intervening claims. Because Applicant believes all the claims are allowable for the reasons set forth above, Applicant has not so amended claims 6, 8, 11, 13, 20, 23, 25 and 29 in the present response.

#### **New Claims**

New claims 30-32 have been added to claim the subject matter of claims 1, 14 and 15 under 35 U.S.C. § 112, ¶ 6. Applicant respectfully submits claims 30-32 are allowable for at least the reasons set forth above for claims 1, 14 and 15.

#### **SUMMARY**

Claims 1-32 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.

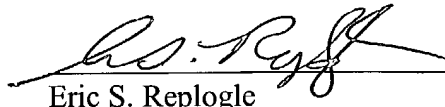
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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& ZAFMAN LLP

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